

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 05-89955

LYDELL CULBERSON,
and
RAMONA A. CULBERSON,

Chapter 13

Judge Thomas J. Tucker

Debtors.

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Motion to Reinstate the Automatic Stay as to JPMorgan Chase Bank," filed on December 10, 2009 (Docket # 85, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the December 1, 2009 Order granting relief from the automatic stay (Docket # 83), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court further finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order granting relief from the automatic stay.

In addition, the Court notes the following. Debtors' motion fails to demonstrate excusable neglect under Fed.R.Civ.P. 60(b)(1) in the Debtors' failure to file a timely response to the creditor's motion for relief from stay. Any neglect or mistake by Debtors' counsel, such as that apparently alleged in the Motion, is generally attributable to the Debtors, for purposes of determining whether any such neglect or mistake was excusable. *See, e.g., Pioneer Investment*

Services Co. v. Brunswick Associates Limited Partnership, 507 U.S. 380, 396-97 (1993)(in determining whether “excusable neglect” is shown, “the proper focus is upon whether the neglect of [the movants] *and their counsel* was excusable” (italics in original)).

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on December 11, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge